

KENNETH E. KELLER (SBN 71450) [kkeller@kksrr.com](mailto:kkeller@kksrr.com)  
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San Francisco, California 94104-3839  
Telephone: (415) 249-8330  
Facsimile: (415) 249-8333

Attorneys for Plaintiff Chanel, Inc.

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANEL, INC., a New York corporation,  
Plaintiff,  
v.  
SUSAN LYNNE PACINI a/k/a SUSAN L.  
PACINI d/b/a PLANET TAN d/b/A MASTER  
MARKETEERS, INC.,  
Defendants.

Case No. C-07-5946-CRB

**DECLARATION OF MICHAEL D.  
LISI IN SUPPORT OF REQUEST  
FOR DEFAULT**

**Date Filed:** November 26, 2007

**Date Served:** December 24, 2007

**Date of Request:** February 21, 2008

I, MICHAEL D. LISI, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of California. I am a partner with the law firm of Krieg, Keller, Sloan, Reilley & Roman LLP, and I am an attorney for Plaintiff Chanel, Inc. I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. On November 26, 2007, Plaintiff filed the Complaint in this case against Susan Pacini ("Defendant"). After several attempts at service, the Summons and Complaint were properly served on December 24, 2007.

1           3.       Attached hereto as Exhibit "A" is a true and correct copy of the proof of service on  
2 file with the Court, reflecting that Defendant was served with the Summons and Complaint on  
3 December 24, 2007. The document was also e-filed, and is currently e-Docket No. 4.

4           4.       More than 20 days have elapsed since the date on which service of the Summons  
5 and Complaint was effective.

6           5.       Defendant has not been granted any extension of time to respond to the Complaint.

7           6.       Defendant has failed to answer or otherwise respond to the Complaint, or serve a  
8 copy of any answer or other response upon Plaintiffs' attorneys of record.

9           7.       I have no reason to believe that Defendant is an infant or incompetent person.

10          8.       I have no reason to believe that Defendant is in the military service.

11                I declare under penalty of perjury under the laws of the United States of America  
12 that the foregoing is true and correct.

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14                               Executed on February 21, 2008 at San Francisco, California.

15  
16   /s/  
  \_\_\_\_\_  
  Michael D. Lisi

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DECLARATION OF  
MICHAEL D. LISI

**EXHIBIT A**

1 KENNETH E. KELLER (SBN 71450) [kkeller@kksrr.com](mailto:kkeller@kksrr.com)  
2 MICHAEL D. LISI (SBN 196974) [mlisi@kksrr.com](mailto:mlisi@kksrr.com)  
3 ANJALI K. KURANI (SBN 227075) [akurani@kksrr.com](mailto:akurani@kksrr.com)  
4 KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP  
5 114 Sansome Street, 4<sup>th</sup> Floor  
6 San Francisco, California 94104-3839  
7 Telephone: (415) 249-8330  
8 Facsimile: (415) 249-8333  
9 Attorneys for Plaintiff, Chanel, Inc.

10 THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 CHANEL, INC., a New York corporation, )

Case No. C-07-5946-CRB

13 Plaintiff, )

14 v. )

**CERTIFICATE OF SERVICE RE  
SUMMONS AND COMPLAINT**

15 SUSAN LYNNE PACINI a/k/a SUSAN L. )  
16 PACINI d/b/a PLANET TAN d/b/A MASTER )  
17 MARKETEERS, INC., )

18 Defendants. )

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>KENNETH E. KELLER 71450</b> <b>Gaffigan, Stephen M (PFI)</b> <b>114 SANSOME STREET, 4TH FLOOR SAN FRANCISCO CA</b> TELEPHONE NO.: <b>415 249-8330</b> FAX NO. (Optional): EMAIL ADDRESS (Optional): <b>kkeller@kksrr.com</b> ATTORNEY FOR (Name): <b>CHANEL, INC., A NEW YORK CORPORATION</b>		FOR COURT USE ONLY
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>CHANEL, INC., A NEW YORK CORPORATION</b> DEFENDANT/RESPONDENT: <b>SUSAN LYNNE PACINI AKA SUSAN L. PACINI DBA PLANET TAN DBA MASTER MARKETEERS, INC.</b>		
<b>PROOF OF SERVICE OF SUMMONS</b>		CASE NUMBER: <b>CV 07 5946 CRB</b> Ref. No. or File No.: <b>CHANEL/PLANETTAN</b>

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the (specify documents):  
**Summons and Complaint for Damages and Injunctive Relief**
3. a. Party served (specify name of party as shown on documents served):  
**SUSAN LYNNE PACINI DBA PLANET TAN DBA MASTER MARKETEERS, INC., Alias: AKA SUSAN L. PACINI**
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:  
**PLANET TAN, 2430 SAND CREEK Road #1D1, BRENTWOOD, CA 94513**
5. I served the party (check proper box)
  - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
  - b. ☒ by substituted service. On (date): **12/24/2007** (2) at (time): **12:55 PM** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):  
**BRIANNE NISSEN, PERSON IN CHARGE, A white female approx. 21-25 years of age 5'6"-5'8" in height weighing 120-140 lbs with brown hair**
    - (1) ☒ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ (physical address unknown) a person of at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - (5) ☒ I attach a declaration of diligence stating actions taken first to attempt personal service.

**PROOF OF SERVICE OF SUMMONS**

Order No. 5031193 SEA



PLAINTIFF/PETITIONER: <b>CHANEL, INC., A NEW YORK CORPORATION</b>	CASE NUMBER:
DEFENDANT/RESPONDENT: <b>SUSAN LYNNE PACINI AKA SUSAN L. PACINI DBA PLANET TAN DBA MASTER MARKETTERS, INC.</b>	<b>CV 07 5946 CRB</b>

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,  
 (1) on (date): (2) from (city):  
 (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt*.) (Code Civ. Proc., § 415.30)  
 (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40)  
 d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.  
 b. ☐ as the person sued under the fictitious name of (specify):  
 c. ☐ as occupant  
 d. ☐ On behalf of (specify):  
 under the following Code of Civil Procedure section:
- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other  |

7. Person who served papers


- a. Name: **JAMES KING**  
 b. Address: **P.O. Box 21486, Concord, CA 94521**  
 c. Telephone number: **925-833-4055**  
 d. The fee for service was: **\$75.00**  
 e. I am:  
 (1) ☐ not a registered California process server.  
 (2) ☐ exempt from registration under Business and Professions Code section 22350(b).  
 (3) ☒ registered California process server:  
 (i) ☐ owner ☐ employee ☒ independent contractor  
 (ii) ☒ Registration No.: **553**  
 (iii) ☒ County: **CONTRA COSTA**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 1/15/2008

**JAMES KING**  
 (NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

  
 (SIGNATURE)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>KENNETH E. KELLER 71450</b> <b>Gaffigan, Stephen M (PFI)</b> <b>114 SANSOME STREET, 4TH FLOOR SAN FRANCISCO CA</b> TELEPHONE NO.: <b>415 249-8330</b> FAX NO. (Optional): EMAIL ADDRESS (Optional): <b>kkeller@kksrr.com</b> ATTORNEY FOR (Name): <b>CHANEL, INC., A NEW YORK CORPORATION</b>		FOR COURT USE ONLY     
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>CHANEL, INC., A NEW YORK CORPORATION</b> DEFENDANT/RESPONDENT: <b>SUSAN LYNNE PACINI AKA SUSAN L. PACINI DBA PLANET TAN DBA MASTER MARKETTERS, INC.</b>		
DECLARATION OF REASONABLE DILIGENCE		CASE NUMBER: <b>CV 07 5946 CRB</b>  Ref. No. or File No.: <b>CHANEL/PLANETTAN</b>

Party to Serve:

**SUSAN LYNNE PACINI DBA PLANET TAN DBA MASTER MARKETTERS, INC., Alias: AKA SUSAN L. PACINI**

Documents:

**Summons and Complaint for Damages and Injunctive Relief**

Service Address:

**PLANET TAN, 2430 SAND CREEK Road #1D1, BRENTWOOD, CA 94513**

I declare the following attempts were made to effect service by personal delivery:

**12/21/2007 10:00:00 AM: Per employee, Subject out of the office at this time**  
**12/23/2007 4:02:00 PM: Per employee, Subject out of the office at this time**

Person who served papers:

**MARK E. HARMON**  
**P.O. Box 21486, Concord, CA 94521**  
**925-833-4055**

I am a registered California process server

Registration No.: **615**County: **CONTRA COSTA**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **1/15/2008****MARK E. HARMON**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

Order No. 5031193 SEA



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>KENNETH E. KELLER 71450</b> <b>Gaffigan, Stephen M (PFI)</b> <b>114 SANSOME STREET, 4TH FLOOR SAN FRANCISCO CA</b> TELEPHONE NO: <b>415 249-8330</b> FAX NO. (Optional): EMAIL ADDRESS (Optional): <b>kkeller@kkserr.com</b> ATTORNEY FOR (Name): <b>CHANEL, INC., A NEW YORK CORPORATION</b>		FOR COURT USE ONLY
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>CHANEL, INC., A NEW YORK CORPORATION</b>		
DEFENDANT/RESPONDENT: <b>SUSAN LYNNE PACINI AKA SUSAN L. PACINI DBA PLANET TAN DBA MASTER MARKETTERS, INC.</b>		CASE NUMBER: <b>CV 07 5946 CRB</b>
DECLARATION OF REASONABLE DILIGENCE		Ref. No. or File No.: <b>CHANEL/PLANETTAN</b>

Party to Serve:

**SUSAN LYNNE PACINI DBA PLANET TAN DBA MASTER MARKETTERS, INC., Alias: AKA SUSAN L. PACINI**

Documents:

**Summons and Complaint for Damages and Injunctive Relief**

Service Address:

**PLANET TAN, 2430 SAND CREEK Road #1D1, BRENTWOOD, CA 94513**

I declare the following attempts were made to effect service by personal delivery:  
**12/24/2007 12:55:00 PM: Per employee, Subject out of the office at this time**

Person who served papers:

**JAMES KING**  
**P.O. Box 21486, Concord, CA 94521**  
**925-833-4055**

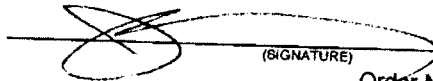
I am a registered California process server

Registration No.: **553**County: **CONTRA COSTA**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **1/15/2008****JAMES KING**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

Order No. 5031193 SEA





## Declaration of Mailing

**Docket Number:** CV 07 5946 CRB

The undersigned hereby declares: that I, Elizabeth Noguera, am a citizen of the United States of America and am employed in the city of Seattle, in the state of WA.

That I am over the age of twenty-one, and not party to, nor interested in the within entitled action. My business address is 633 Yesler Way Seattle, WA 98104.

That on 12/27/2007, after service was made, I completed service by depositing a copy of the SUMMONS AND COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF, in a first class post paid envelope properly addressed at a US Post Office. The envelope bore the legend "**Personal and Confidential**", and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned and action against the defendant.

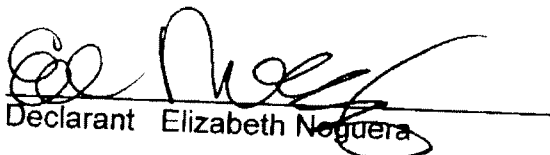
That I addressed the envelope as follows:

SUSAN LYNNE PACINI AKA SUSAN L. PACINI DBA PLANET  
TAN DBA MASTER MARKETTERS, INC.  
PLANET TAN  
2430 SAND CREEK RD  
#1D1  
BRENTWOOD CA 94513

The mailing was not returned by the Post Office.

I declare under penalty of perjury of the state of California, that the foregoing is true and correct.

I executed this declaration on December 27, 2007 at Seattle, WA.

  
Declarant Elizabeth Noguera

Tracking #: 5031193

